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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,280	03/20/2000	PETER ROWAN KELLOCK	SPR6147P0010	3713

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EXAMINER	
AN, SHAWN S	

ART UNIT	PAPER NUMBER
2613	8

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/509,280	KELLOCK ET AL.	
	Examiner	Art Unit	
	Shawn S An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-99* is/are pending in the application.

4a) Of the above claim(s) *11-14,17,18,34-37,40,41,57-59,63,64 and 70-99* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,15,16,19-33,38,39,42-56,60-62 and 65-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Restriction/Election

1. Applicants' election with traverse of species I, which reads on claims 1-10, 15-16, 19-33, 38-39, 42-56, 60-62, and 65-69 as in Paper No. 7 have been acknowledged. The traversal is on the ground(s) that the figures 3-11 show related embodiments, not independent inventions, and the embodiments of figures 3-11 are connected to each other in design, operation, or effect.

This is not found persuasive because the undue burden is proved by the eleven distinct (independent) species, which follows:

Species 1-11 corresponding to figures 3, 4a, 4b, 5-7, 8a, 8b, and 9-11, respectively.

The Examiner understands that embodiments of figures 3-11 are connected to each other in design, operation, or effect

However, the prior art searching and a prosecution clearly would be a burden based on the eleven distinct species. The burden is met by the eleven distinct species and the distinct (independent) species is met by the diverse elements between the drawings, wherein one embodiment is not deemed obvious over any other species identified.

Furthermore, the inventors are entitled one invention comprising an apparatus and/or a method and/or computer medium including similar claim limitations per application. As per this application, the one invention is met by the system corresponding to claims 1-10, 15-16, 19-23, the method corresponding to claims 24-33, 38-39, and 42-46, and the computer medium corresponding to claims 47-56, 60-62, and 65-69.

Therefore, Applicant's restriction election requirement have been fulfilled by electing the claims 1-10, 15-16, 19-33, 38-39, 42-56, 60-62, and 65-69. Moreover, claims 11-14, 17-18, 34-37, 40-41, 57-59, 63-64, and 70-99 are considered non-elected claims.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 9, 15-16, 19-20, 24-25, 32, 38-39, 42-43, 47-48, 55, 60-62, and 65-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (6,067,401).

Regarding claims 1, 9, 20, 24, 32, 43, 47, 55, 60, and 66, Abecassis discloses a system/method and a computer program code means (col. 4, lines 56-65) for processing video segment, comprising:

means for creating a descriptor (Fig. 2) and ascribing at least one value (219) thereto for a corresponding video segment by assigning a number in accordance with a position thereof; and

means for assembling (Fig. 8C, 825) an output video production from at least two video segments including means for selecting (823) at least two video segments according to values of at least one descriptor corresponding to the at least two video segements, and means for sequencing (824) at least two video segments according to values of at least one descriptor corresponding to the at least two video segments.

Regarding claims 2, 25, and 48, Abecassis discloses two grids corresponding to representations of the at least two video segments for a first/second axis, wherein

each cell in the grid displays a value ascribed to one of at least one descriptors (Fig. 2A).

Regarding claims 15, 38, and 61, Abecassis discloses means for segmenting a video input by enabling definition or adjustment of start and end times of a video segment by direct user manipulation (Fig. 1).

Regarding claims 16, 39, and 62, Abecassis discloses means (Fig. 2A) for deriving a single vaue from a plurality of values of a descriptor corresponding to video segements.

Regarding claims 19, 42, and 65, Abecassis discloses providing playback of the output video production (abs.).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3-8, 10, 21-23, 26-31, 33, 44-46, 49-54, 56, and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (6,067,401).

Regarding claims 3, 26, and 49, Abecassis discloses a row visually representing at least two video segments, and time-series graphical representation of a plurality of values of a descriptor corresponding to one of at least two video segments, wherein the temporal (230) extent of each of the at least two video segments is indicated (Fig. 2B).

Abecassis does not particularly disclose an audio content of the video segments.

However, the Examiner takes official notice that a row comprising an audio content of the video segments is well known in the art (see also UK 2,329,812).

Therefore, it would have been obvious to a person of ordinary skill in the art employing a system for processing video segment as taught by Abecassis to incorporate the well known concept of audio content of the video segments for the purpose of an audio editing.

Regarding claims 4, 27, and 50, Abecassis discloses first and second grids, wherein a change to the original first grid causes a corresponding change to the second grid (Fig. 2).

Regarding claims 5-6, 28-29, and 51-52, the Examiner takes official notice that creating dissolve or an audio cross fade is a well known feature in a scene analysis.

Therefore, it would have been obvious to a person of ordinary skill in the art employing a system for processing video segment as taught by Abecassis to incorporate the well known concept as discussed above for the purpose of creating a smooth transitions between two video segments.

Regarding claims 7, 30, and 53, Abecassis discloses importing a descriptor and at least one value ascribed thereto prior to importation into the system (Fig. 2A).

Regarding claims 8, 31, and 54, Abecassis discloses means for extracting a value for a descriptor corresponding to a video segment by applying signal analysis of video to the video segment (Fig. 9).

Regarding claims 10, 33, and 56, the Examiner takes official notice that it is an obvious feature to include a formula or algorithm having a reference to at least one other descriptor so as to compare the reference descriptor value with a desired change value by an user.

Regarding claims 21, 23, 44, 46, 67, and 69, Abecassis discloses means for automatically selecting video segments by direct editor manipulation (col. 23, lines 30-40).

Therefore, it would have been obvious to a person of ordinary skill in the art employing a system for processing video segment as taught by Abecassis to simply select manually, rather than automatically, as desired by the user/editor, if it is determined that a manual selection provides a better result than selecting automatically.

Regarding claims 22, 45, and 68, the Examiner takes official notice that conventionally deriving a target or a reference or a threshold value is well known in the art as a comparison basis to define a certain condition for a data/value.

Therefore, it would have been obvious to a person of ordinary skill in the art employing a system for processing video segment as taught by Abecassis to sequence video segments according to the difference between values of at least one descriptor and a target value.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Abecassis (6,463,207 B1), Playing a variable content video having a user interface.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSA

Primary Patent Examiner

8/3/04